

Mao Declaration in Opposition
to Google's Motion for
Summary Judgment

Ex. 1 Document Sought to Be
Sealed

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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CHASOM BROWN, MARIA NGUYEN,
WILLIAM BYATT, JEREMY DAVIS, and
CHRISTOPHER CASTILLO, individually
and on behalf of all other similarly
situated,

Plaintiffs, Case No.

5:20-cv-03664-LHK

-against-

GOOGLE LLC,

Defendant.

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CONFIDENTIAL

Zoom video conference deposition of
JESSE ADKINS, taken pursuant to notice,
was held remotely, commencing April 14,
2021, 11:00 a.m., before Leslie Fagin, a
Stenographic Court Reporter and Notary
Public in the State of New York.

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2 trying to understand who the "you" is in that
3 statement. We looked previously at the terms
4 of service and you said the "you" was the
5 Court or its website administrator, correct?

6 MR. BROOME: Objection, objection,
7 foundation, outside the scope.

8 A. I don't believe that was my precise
9 answer. I said "you" was the person
10 implementing the ProSE service on the Court.

11 Q. Thank you.

12 That's helpful for the "you" in the
13 terms of the terms of service, who is the
14 "you" in Google's privacy policy?

15 MR. BROOME: Same objections.

16 A. Could you clarify maybe who is this
17 when somebody is visiting this web page? Not
18 the exhibit in this testimony, but is your
19 scenario, you are asking me who the "you" is
20 when they have visiting the privacy policy as
21 it's hosted on Google's website.

22 Q. Google has a privacy policy,
23 correct?

24 A. Correct.

25 Q. On the very first sentence of that

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2 privacy policy, states, When you use our
3 services, you are trusting us with your
4 information, correct?

5 A. My layman interpretation is the
6 person who is visiting this web page is who
7 the "you" is referencing.

8 Q. So your understanding is the 'you'
9 is referencing the person visiting the
10 privacy policy, correct?

11 A. That is my layman interpretation,
12 yes.

13 Q. The next part refers to our
14 services. What is your understanding of what
15 that is referring to?

16 MR. BROOME: Objection, outside the
17 scope, calls for a legal conclusion.

18 A. Google services.

19 Q. Which Google services, all of them?

20 MR. BROOME: Same objections.

21 A. Again, I am not an expert in Google
22 privacy policy, legal implications of it or I
23 did not create this document or draft this
24 document, I have no specific knowledge, I'm
25 sorry, I'm just not going to be able to

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2 answer those kind of questions.

3 Q. In that first sentence, when it

4 refers to your information, what

5 understanding, if any, do you have what that

6 means, when it refers to your information?

7 MR. BROOME: Same objection, calls

8 for a legal conclusion outside the

9 scope, lacks foundation.

10 A. I will refer to my previous answer.

11 I did not write this document. I'm not sure

12 what your information is specifically

13 referring to.

14 Q. Do you have an understanding, one

15 way or another, whether your information as

16 referred to here on the first sentence of

17 Google's privacy policy includes the private

18 browsing information that Google collects

19 when people visit the Court's Website?

20 MR. BROOME: Objection, same

21 objections.

22 A. I have no opinion on that.

23 Q. With respect to the reference in

24 this first sentence to our services, does

25 that include all of the Google services on

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2 the Court's Website?

3 MR. BROOME: Same objections.

4 A. I believe I answered that question.

5 Q. What is the answer to that

6 question?

7 A. I'm not a Google lawyer. I did not

8 write this document, I believe that might be

9 Google services, but I'm not an expert, I'm

10 not sure.

11 MR. RICHARDSON: Let's take a

12 five-minute break.

13 THE VIDEOGRAPHER: The time is now

14 6:44 p.m. and we are off the record.

15 (Recess.)

16 THE VIDEOGRAPHER: The time is now

17 6:58 p.m. We are on the record.

18 Q. Mr. Adkins, you recall that

19 previously, we were discussing what

20 information Google collects when people visit

21 the Court's Website not logged into a Google

22 account and in private browsing mode.

23 Do you recall that?

24 A. Yes.

25 Q. And a number of your answers

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CERTIFICATE

I HEREBY CERTIFY that the witness,
JESSE ADKINS, was duly sworn by me and that
the deposition is a true record of the
testimony given by the witness.

Leslie Fagin,
Registered Professional Reporter
Dated: April 14, 2021

(The foregoing certification of
this transcript does not apply to any
reproduction of the same by any means, unless
under the direct control and/or supervision
of the certifying reporter.)

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None

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Commonwealth of Pennsylvania

County of WESTMORELAND

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ACKNOWLEDGMENT OF DEPONENT

I, Jesse Adkins do hereby
certify that I have read the foregoing pages,
and that the same is a correct transcription
of the answers given by me to the questions
therein propounded, except for the
corrections or changes in form or substance,
if any, noted in the attached Errata Sheet.

JESSE ADKINS

DATE

Jesse Adkins 6-8-2021

Subscribed and sworn
to before me this
8 day of JUNE, 2021.

My commission expires: 5-17-25

Notary Public

Natalie R. Duffy

Commonwealth of Pennsylvania - Notary Seal
Natalie R. Duffy, Notary Public
Westmoreland County
My commission expires May 17, 2025
Commission number 1312960
Member, Pennsylvania Association of Notaries